

The following is a comparison of estimated costs between joining WRCAC versus individual compliance for a smaller (50) acre parcel.

**Estimated Cost Difference
(TMDL Tasks 4 and 5)**

Required Task	WRCAC estimated cost (being part of coalition and therefore member of the TMDL Task Force)	Individual estimated cost for 50 acre parcel or less
Monitoring Plan Preparation	Completed/current	\$ 15,000
Monitoring Program Implementation (Field work, lab analysis, data management)	Completed/current	\$ 200,000
Laboratory analysis	Completed/ongoing	\$ 200,000
Quality Assurance Project Plan (QAPP)	Completed/current	\$ 15,000
Annual TMDL Monitoring Reports (Semi-annual)	Completed/current	\$ 15,000
Agricultural Nutrient Management Plan Preparation	Completed and approved	\$ 15,000
Agricultural Nutrient Management Implementation Plan (due June, 2010)	Estimated at \$25,000 Will be funded through member fees	\$ 25,000
Agricultural NMP Implementation	WRCAC will pursue grants for the coalition. Matching funds will be needed and annual member fees will be used to satisfy/help to satisfy match requirements.	\$ 50,000
TOTAL	50 acres X \$7.00 per acre X 4 years= \$1,400.00 plus membership fees currently estimated at \$500.00 = \$1,900	\$535,000

As can be seen, there are substantial costs savings associated with WRCAC membership.

Regardless of whether you choose to participate with WRCAC or to address the Investigative Order requirements independently, the costs of the technical reports required by this Order are justified. The quality of waters in Canyon Lake and Lake Elsinore are below the level necessary to attain beneficial uses. The preparation of the above reports is a necessary element to reduce the contribution of nutrients to achieve beneficial uses in both lakes, as required by the Clean Water Act.

Penalties

Pursuant to section 13268 of the California Water Code, failure to submit the required information by the specified compliance date, or falsifying any information provided therein, is a misdemeanor and may result in civil liability. Noncompliance may subject you to administrative civil liability in the amount of up to \$1,000 for each day of violation. Be advised that compliance with this Order is not a substitute for compliance with other applicable laws and does not preclude action to enforce compliance with such other laws.

Exemption Process

An exemption process has been identified by WRCAC for those parties who do not believe that they are correctly identified as agricultural operators or where there has been no agriculture activity on the property for the past 5 years. This process will assist the Regional Water Board and the agricultural operators in properly identifying responsible agricultural operators for the purposes of this Investigative Order. For a \$150 fee to cover staff time, WRCAC will survey your property and provide a final recommendation to Regional Water Board staff regarding the agricultural status of your property.

Petition Process

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except if the thirtieth day following the date of this Order falls on a Saturday, Sunday, state holiday, or state furlough day (currently, the first and third Fridays of each month), the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Public Information Meeting

Regional Water Board staff, in coordination with WRCAC, will conduct a public meeting to receive questions or comments about this Order, and the TMDLs in general. This meeting will be held at the following time and location. We recognize that this is a complex issue and we encourage your participation at the public meeting.

DATE: March 17, 2009
TIME: 1:00 PM
LOCATION: Eastern Municipal Water District
Board Room
2270 Trumble Road, Perris

If you have any questions, please feel free to contact the Hope Smythe at (951)782-4493 or email at hsmythe@waterboards.ca.gov.

If you have any questions regarding the Western Riverside County Agriculture Coalition (WRCAC), please contact Pat Boldt at (951) 808-8531 or mpboldt@aol.com.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Thibeault". The signature is stylized with a large, looped initial "G" and a cursive-style name.

Gerard J. Thibeault
Executive Officer

Attachments:

1. Applicable Assessor Parcel Number(s) (APNs)
2. TMDL Factsheet with Lake Elsinore and Canyon Lake Nutrient TMDLs Compliance Tasks and Dates

cc: Regional Board

David Rice, Office of Chief Counsel, SWRCB, DavidRice@waterboards.ca.gov

Pat Boldt, Western Riverside County Agricultural Coalition, mpboldt@aol.com

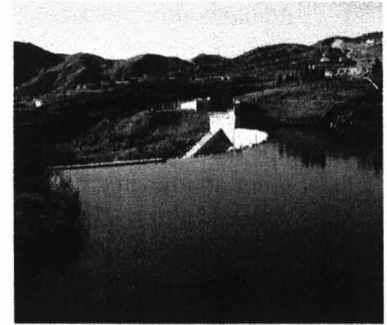
Rick Whetsel, Lake Elsinore and San Jacinto Watershed Authority, rwhetsel@sawpa.org

Owner Name (Assessee)	OwnerAddress	Parcel Acreage
WILDON ASSOCIATES,		
	12214 HEACOCK ST, MORENO VALLEY CA, 92557	
	423050003	126.2
	423060007	56.9

TOTAL MAXIMUM DAILY LOAD FACT SHEET

What is The TMDL Process?

The Total Maximum Daily Load (TMDL) process provides a flexible assessment and planning framework for identifying load reduction or other actions needed to attain water quality standards (e.g., water quality objectives to protect aquatic life, drinking water, and other beneficial uses). Water quality standards for water bodies in the Santa Ana Region are specified in the Water Quality Control Plan for the Santa Ana Basin (also called Basin Plan). The Federal Clean Water Act §303(d) standards apply to individual waterbodies/watersheds. The TMDL process has three steps:



1. *Identify Quality Limited Waters*- States must identify and prepare a list [§303(d) list] of waters that do not or are not expected to meet water quality standards after applying required control (e.g., minimum sewage treatment technology). The most recent 303(d) was updated in 2006.
2. *Establish Priority Waters/Watersheds*- States must prioritize waters/watersheds and target high priority waters/watersheds for TMDL development. Lake Elsinore and Canyon Lake and the San Jacinto River Watershed are the Region's priority waters/watershed because of the historical water quality problems.
3. *Develop TMDLs*- For listed waters, States must develop TMDLs that will achieve water quality standards, allowing for seasonal variations and an appropriate margin of safety. A TMDL is a quantitative assessment of water quality problems, contributing sources, and load reductions or control actions needed to restore and protect individual waterbodies. The Regional Board staff developed TMDLs for nutrients for Lake Elsinore and Canyon. Regional Board adopted the TMDLs in December 2004. US EPA approved the TMDLs on September 30, 2005.

What Do TMDLs Address?



TMDLs should address all significant stressors that cause or threaten to cause waterbody use impairment. The pollutant sources include:

- Point sources
- Nonpoint sources
- Natural occurring sources

A TMDL is the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources and natural background pollutants, and an appropriate margin of safety.

TMDL Plans may address individual pollutants or groups of pollutants, as long as they clearly identify the links between:

- *The waterbody use impairment or threat of concern,*
- *The cause of the impairment or threat, and*
- *The load reduction or actions needed to remedy or prevent the impairment.*

What Are TMDLs Based On?

TMDLs are usually based on readily available information and studies. In some cases, complex studies or models are needed to understand how stressors are causing waterbody impairment. In many cases, simple analytical efforts provide an adequate basis for stressor assessment and implementation planning.

Where inadequate information is available to draw precise links between these factors, TMDLs may be developed through a phased approach. The phased approach enables states to use available information to establish interim targets, begin to implement needed controls and restoration actions, monitor waterbody response to these actions, and plan for TMDL review and revision in the future. **Phased TMDLs are particularly appropriate to address nonpoint source issues.**

How Are TMDLs Implemented?

TMDLs are developed to provide an analytical basis for planning and implementing pollution controls, land management practices, and restoration projects needed to protect water quality. States are required to include approved TMDLs and associated implementation measures in State water quality management plans or Basin Plans.

The TMDL implementation plan is a description of best management practices, point source controls or other actions necessary to implement TMDL. Usually it is a plan that describes how and when necessary controls and restoration actions will be accomplished, and who is responsible for implementation. For phased TMDLs, monitoring is an important element to improve understanding between pollutant loading and receiving water quality, and to measure the effectiveness of management practices. Pollutant trading can be cost-effective approach to implement projects in a watershed that has high variable hydrologic conditions. The TMDL implementation measures for Lake Elsinore and Canyon Lake have been incorporated in the Basin Plan. Table 1 lists the implementation tasks and the due dates for Lake Elsinore and Canyon Lake nutrient TMDLs.

**Table 1- Lake Elsinore and Canyon Lake Nutrient TMDL
Implementation Plan/Schedule Report Due Dates**

Task	Description	Compliance Date-As soon As Possible but No Later Than	Status
Task 1	Establish New Waste Discharge Requirements	March 31, 2006	On-going
Task 2	Revise Existing Waste Discharge Permits	March 31, 2006	Complete/ On-going as needed
Task 3	Identify Agricultural Operators	October 31, 2005	Complete/ongoing
Task 4	Nutrient Water Quality Monitoring Program 4.1 Watershed-wide Nutrient Monitoring Plan(s) 4.2 Lake Elsinore Nutrient Monitoring Plan(s) 4.3 Canyon Lake Nutrient Monitoring Plan(s)	<ul style="list-style-type: none"> Initial plan/schedule due December 31, 2005 Annual reports due August 15 Revised plan/schedule due December 31, 2006 	<i>Complete and approved by Regional Board March 2006</i> 2007 Annual report submitted
Task 5	Agricultural Discharges – Nutrient Management Plan	Plan/schedule due September 30, 2007	<i>Complete and approved by Regional Board Nov. 2007</i>
Task 6	On-site Disposal Systems (Septic Systems) Management Plan	Dependent on State Board approval of relevant regulations	On-going
Task 7	Urban Discharges 7.1 Revision of Drainage Area Management Plan (DAMP) 7.2 Revision of the Water Quality Management Plan (WQMP) 7.3 Update of the Caltrans Stormwater Management Plan , and Regional Plan 7.4 Update of US Air Force, March Air Reserve Base' SWPPP	Plan/schedule due: 7.1 August 1, 2006 7.2 August 1, 2006 7.3 April 1, 2006 7.4 Dependent on Task 4 results.	<i>All complete and revisions will be incorporated during permit renewal</i>
Task 8	Forest Area – Review/Revision of Forest Service Management Plans	Plan/schedule due September 30, 2007	<i>Complete and approved by Regional Board Nov. 2007</i>
Task 9	Lake Elsinore In-Lake Sediment Nutrient Reduction Plan	Plan/schedule due March 31, 2007	<i>Complete and approved by Regional Board Nov. 2007</i>
Task 10	Canyon Lake In-Lake Sediment Treatment Evaluation	Plan/schedule due March 31, 2007	<i>Complete and approved by Regional Board Nov. 2007</i> Additional modeling on-going
Task 11	Watershed and Canyon Lake and Lake Elsinore In-Lake Model Updates	Plan/schedule due March 31, 2007	<i>Complete and approved by Regional Board Nov. 2007</i>
Task 12	Pollutant Trading Plan	Plan/schedule due September 30, 2007	<i>Complete and approved by Regional Board Nov. 2007</i>
Task 13	Review and Revise Nutrient Water Quality Objectives	December 31, 2009	N/A
Task 14	Review of TMDL/WLA/LA	Once every 3 years to coincide with the Regional Board's triennial review	The next triennial review is scheduled for 2009

EXHIBIT B

CLINTON L. BLAIN

Attorney at Law

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(619) 584-1601 Facsimile
E-Mail: cb@blainlaw.com

March 4, 2009

VIA FACSIMILE (951) 781-6288 AND U.S. MAIL

Gerald Thibeault, Executive Officer
California Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

Re: Wildon Associates

Dear Mr. Thibeault:

I represent Wildon Associates and am responding to your February 23, 2009 letter addressed to "Agriculture Operators" and delivered to my client's tax address via certified mail. Your February 23, 2009 Order pursuant to Water Code Section 13267 fails to identify (i) what agriculture activities my client is allegedly involved in; and (ii) what pollutant my client has allegedly discharged. Please provide some evidence (or even an indication) of exactly what it is you are referring to. My client does not grow crops or engage in any agricultural activities and is at a loss as to what you are referring to. Your "Order" vaguely refers to "nutrients" being discharged into the Lake Elsinore/Canyon Lake Watershed. Please provide, in plain English, exactly what you are complaining of. Your Order is so vague that it is impossible to defend the alleged wrong doing. You have the power to impose fines of \$1,000 a day and I believe it is only fair (and constitutional), that you state in plain English what it is that my client is accused of doing wrong. Please respond within five (5) days of this letter date so that my client will have adequate time to defend itself.

Sincerely,



Clinton L. Blain

CLB/pgp

cc: Wildon Associates

Clinton L. Blain

Attorney at Law
3111 Camino del Rio North, Suite 1002
San Diego, CA 92108
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Fax

To: Gerald Thibeault **From:** Clint Blain
Fax: (951) 781-6288 **Pages:** 2
Phone: **Date:**
Re: Wildon Associates **cc:**

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• **Comments:** PLEASE SEE ATTACHED LETTER.

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